IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 143 OF 2004

SHRI PRITAM S.TALAWNEKAR AND 6 ORS., ...Appellants

Versus

MR.MADHUKAR M.ARONDEKAR AND ANR., ...Respondents

Shri Sudin Usgaonkar, Advocate for the appellants.

Coram:- R. M. LODHA, J.

Date:- 24th August, 2005

P.C.

Heard Mr. Sudin Usgaonkar, learned Counsel for the appellants and perused the Judgment of the Ist Ad-hoc Addl. District Judge, Panaji and also the Judgment of the Civil Judge, Jr. Division, Mapusa.

2. There appears to be no dispute that originally the suit stall was in possession of Naguesh Vishnu Arondekar. The plaintiffs No.2 to 7 and the defendant No.1 are the legal heirs of said Naguesh. The case of the defendant No.1 was that he is son of late Naguesh and that all the taxes, rents etc., in respect of the suit stall were paid by him to the local Authority and that he had been carryin on business in the suit stall. The case of the plaintiff No.1 was that the premises was in his possession and he had been paying the rent. The learned Counsel for the appellants fairly conceded that in so far as the plaintiff No.1 is concerned, he cannot be said to be the legal heir of the deceased Naguesh - original lessee.

3. Though the Judgment of the appeal Court is that of reversal, I find that the appeal Court has considered the evidence in its right perspective. The findings arrived at by the appeal Court are pure findings

of facts and do not give rise to any substantial question of law.

4. The second appeal, therefore, deserves to be dismissed. Dismissed in limine.

R. M. LODHA, J.